

Message Text

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ACTION DLOS-05

INFO OCT-01 EUR-12 IO-10 ISO-00 CG-00 CIAE-00 DODE-00

PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 AID-05 CEQ-01 COA-01

COME-00 EB-07 EPA-01 NSF-01 OES-03 FEAE-00 ACDA-05

AEC-05 AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00 OMB-01

CIEP-01 CEA-01 TRSE-00 OIC-02 AF-06 ARA-06 EA-06

NEA-09 /144 W

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R 041705Z FEB 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7719

INFO USMISSION OECD PARIS

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 BONN 01907

E.O. 11652: GDS

TAGS: PLOS, GW

SUBJECT: LOS - CONSULTATIONS WITH FRG

USUN PASS AMBASSADOR STEVENSON

SUMMARY: CONSULTATIONS REVEAL US AND FRG SEE NEGOTIATIONS IN ESSENTIALLY SIMILAR WAY EXCEPT FOR FISHERIES. FRG NOT RPT NOT PREPARED SUPPORT ARCH-IPELAGO PRINCIPLE, BUT WILL NOT PUBLICLY OPPOSE UNDERSTANDING ON ISSUE. COMMON MARKET CONSULTATIONS REVEAL PRESSURE FROM UK, NETHERLANDS, AND OTHERS TO ADOPT COMPROMISE POSITION ON DEEP SEABEDS WHICH FRG MAY BE UNABLE TO RESIST AFTER FIRST FEW WEEKS IN GENEVA. END SUMMARY.

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1. DEPARTMENT ASSISTANT LEGAL ADVISER BERNARD OXMAN,

ACCOMPANIED BY EMBASSY OFFICERS (PFUND, SCHIFFMAN, KINNELLY) MET WITH AMBASSADOR KNOKE, HEAD OF FRG LOS DELEGATION 3 FEBRUARY IN MORNING AND AT LUNCH, AND WITH MR. MUELLER, ECONOMICS MINISTRY (UN AFFAIRS), IN AFTERNOON. FRG PARTICIPANTS AS FOLLOWS:
MORNING MEETING AND LUNCHEON - AMB. KNOKE, FLORIN, ZIMMERMAN, RICHTER;
AFTERNOON MEETING - MUELLER, MARTIN, REIMER.

2. ARCHIPELAGO. OXMAN GAVE BRIEFING ON ARCHIPELAGO DISCUSSIONS AND RELATED STRAITS ISSUES AND SOLICITED FRG SUPPORT. AMBASSADOR KNOKE EXPLAINED GENERAL FRG PROBLEM WITH EXPANDED COASTAL STATE JURISDICTION, PARTICULARLY IN ECONOMIC ZONE, AND ACCORDINGLY FELT FRG NOT IN POSITION TO SUPPORT PLACING VAST OCEAN AREAS UNDER COASTAL STATE JURISDICTION. FRG HAD NOT YET ACCEPTED ECONOMIC ZONE, AND WOULD REMAIN ON FENCE ON ARCHIPELAGO. AFTER CONSIDERABLE DISCUSSION, IN RESPONSE TO SPECIFIC INQUIRY KNOKE SAID THAT FRG WOULD NOT "PUBLICLY OPPOSE" ARCHIPELAGO UNDERSTANDING.

3. DEEP SEABEDS. OXMAN EXPLAINED DANGER LDC'S MIGHT MISCALCULATE ON IMPORTANCE OF ISSUE, URGED FIRM INDUSTRIAL STATE UNITED STAND IN GENEVA, AND WARNED OF DANGERS OF PIECEMEAL CONCESSIONS. MUELLER SAID IN EC-9 CONSULTATIONS, UK, NETHERLANDS, DENMARK, AND IRELAND PRESSING FOR OPENING WITH COMPROMISE POSITION, AND FRG ATTEMPTING TO KEEP THEM QUIET AT LEAST FOR FIRST FEW WEEKS. UK HAS PRIVATELY PROPOSED TO FRG PARTICIPATION SCHEME IN WHICH AUTHORITY WOULD HAVE 50 PER CENT PARTICIPATION IN DEEP SEABED OPERATIONS. IT WAS UNCLEAR IF THIS MEANT 50 PER CENT PARTICIPATION IN PROFITS -- WHICH IN EFFECT WOULD BE ROYALTY -- OR WHETHER IT MEANT PARTICIPATION IN MANAGEMENT. WHILE OXMAN SAID HE EXPECTED US TO BEGIN WHERE WE LEFT OFF, WITH UNITARY SYSTEM, MUELLER HINTED FRG MAY BE PREPARED TO ACCEPT PARALLEL LICENSING -- DIRECT EXPLOITATION SYSTEM IF AUTHORITY COMPETES ON EQUAL TERMS. KNOKE SAID LDC'S REALIZE US "CONCESSIONS" WERE PURELY CONFIDENTIAL

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COSMETIC IN GENEVA. AMB. KNOKE REQUESTED USG RESPONSE TO IDEA OF MEETING OF OECD MEMBERS IN GENEVA ON THIS ISSUE. JUDGING FROM COMMENTS MADE BY FLORIN AND MUELLER, THERE APPEARS TO BE A DISPUTE BETWEEN FOREIGN AND ECONOMICS MINISTRIES OVER WHETHER THERE WOULD BE STATE CONTRIBUTIONS TO THE AUTHORITY (APPARENTLY FONMIN POSITION) OR WHETHER THE AUTHORITY WOULD BE SELF-FINANCING (APPARENTLY ECON MIN POSITION).

TO OXMAN'S SURPRISE, FLORIN SAID SOMEONE ON USDEL TOLD
FRG IN CARACAS THAT US HAD REVERSED POSITION AND
FAVORED STATE CONTRIBUTIONS, NOTING THIS WAS NOT
RATINER. OXMAN CLARIFIED POINT, AND NOTED THAT IT
WAS UNLIKELY WE WOULD REGARD THIS AS A CRITICAL ISSUE
GIVEN OUR OTHER PROBLEMS IN COMMITTEE I. FRG INTEREST-
ED IN MEETING WITH US ON DEEP SEABEDS IN GENEVA BEFORE
OR AT START OF SESSION.

4. DISPUTE SETTLEMENT. EC-9 CONSULTING ON COMMON
POSITION ON DISPUTE SETTLEMENT PROCEDURES. ONE
POSSIBILITY BEING CONSIDERED INVOLVES CREATING SPECIAL

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 01907

ORGAN FOR COMMITTEE I ISSUE, BUT USING ICJ FOR
COMMITTEE II ISSUES.

5. SCIENTIFIC RESEARCH. FRG IS CONSIDERING ADDITION
TO ITS PROPOSAL ENTAILING DISTINCTION
BETWEEN RESOURCE-RELATED SCIENTIFIC RESEARCH AND OTHER
SCIENTIFIC RESEARCH AND IS PREPARING A LIST OF TYPES
OF RESEARCH WHICH ARE NOT RESOURCE-RELATED WHICH
ALREADY CONTAINS OVER 20 ITEMS. REGIME FOR NON-
RESOURCE-RELATED RESEARCH WOULD BE FREER.

6. FISHERIES. FRG STILL VERY CONSERVATIVE ON FISHER-
IES. OXMAN WAS PRESSED ON US POSITION ON ROLE OF
REGIONAL ORGANIZATIONS. HE NOTED THAT IT HIGHLY UN-
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LIKELY LDC'S WOULD ACCEPT BINDING AUTHORITY OF ORGANI-
ZATIONS THAT INCLUDED DISTANT-WATER FISHING STATES,
BUT PERSONALLY SAW TWO POSSIBILITIES FRG MIGHT WISH
TO PURSUE: (A) REQUIREMENT FOR COOPERATION AMONG
NEIGHBORING COASTAL STATES, E.G. IN NORTH SEA, HOPEFULLY
NOT WORDED SO AS TO TIE US HANDS IN NORTH PACIFIC, AND
(B) ORGANIZATIONS WITH SCIENTIFIC RECOMMENDATORY AND
CONSULTATIVE ROLE THAT INCLUDE DISTANT-WATER STATES.
HE ALSO QUESTIONED DEGREE TO WHICH REALITY OF BARGAIN-
ING STRENGTH OF EUROPEAN STATES VIS-A-VIS EACH OTHER
WOULD IN FACT BE SIGNIFICANTLY ALTERED BY ECONOMIC
ZONE.

7. OTHER ISSUES, SUCH AS CONTINENTAL SHELF AND POLLU-
TION, WERE TOUCHED ON BRIEFLY.

8. COMMENT: EMBASSY HAS RECEIVED INDICATIONS FROM TIME
TO TIME THAT FRG IS NOT PLEASED BY ITS EXCLUSION FROM
GROUP OF 5. MEETINGS HERE INDICATED CONSIDERABLE
RESTIVENESS AND SOME SUSPICIONS OF BOTH UK, WITH ITS
BROAD COASTAL ASPIRATIONS, AND FRANCE WHOSE POLICIES
THEY BELIEVE ARE DOMINATED BY OIL-RELATED POLITICAL
MANEUVERS WITH LDC'S. WHILE IT IS LATE IN DAY, DEPART-
MENT MAY WISH TO RECONSIDER ISSUE OF FRG MEMBERSHIP IN
GROUP OF 5, POSSIBLY SUGGESTING TO SOVIETS THAT THEY
COULD ADD ON EASTERN EUROPEAN. IN ANY EVENT, CLOSE AND
REGULAR CONTACT WITH FRG DEL SHOULD CONTINUE, AND WE
MIGHT HELP TO DISPEL FRG CONCERN BY INTERPOSING NO
OBJECTION TO AMB. KNOKE'S PROPOSAL FOR MEETING OF OECD
MEMBERS IN GENEVA.

9. ACTION REQUESTED: ANY US RESPONSE EMBASSY CAN GIVE
TO KNOKE'S IDEA OF MEETING OF OECD MEMBERS IN GENEVA
ON DEEP SEABEDS ISSUE.

HILLENBRAND

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